

*First reading
Nov 12, 1908*

ORDINANCE NO. 139 BY Robert Wainwright

AN ORDINANCE GRANTING TO THE IDAHO-OREGON LIGHT AND POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE AUTHORITY, RIGHT, PRIVILEGE, AND FRANCHISE TO CONSTRUCT, LOCATE, ERECT, MAINTAIN AND OPERATE POLES, WIRES, SUBWAYS, UNDER GROUND CONDUITS AND ELECTRICAL CONDUCTORS, WITH THE PROPER GUARDS, SUPPORTS, CROSS ARMS, FEEDERS AND OTHER NECESSARY APPURTENANCES, FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND ELECTRICAL CURRENTS, FOR FURNISHING LIGHT, HEAT AND POWER TO THE CITY OF PAYETTE, AND THE INHABITANTS THEREOF, OVER, ACROSS, IN, UPON, AND UNDER THE STREETS, ALLEYS, AVENUES, LANES AND PUBLIC PLACES IN THE CITY OF PAYETTE, COUNTY OF CANYON, STATE OF IDAHO, AND PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH THE SAID AUTHORITY IS GRANTED.

Be it ordained by the Mayor and Council of the City of Payette, Idaho:

Section 1. There is hereby granted to the Idaho-Oregon Light and Power Company, its successors and assigns, under the terms and conditions hereinafter provided, the authority, right, privilege and franchise, to construct, locate, erect, operate and maintain poles, wires, subways, conduits, underground conduits and electrical conductors, with necessary guards, cross arms, feeders and other necessary appurtenances and appliances, for the transmission and distribution of electricity and electrical currents, for the purpose of furnishing light, heat and power to the City of Payette and the inhabitants thereof, along, in, across, over and under the streets, alleys, avenues, lanes and public places of the City of Payette, Idaho, as the same now exists or may hereafter be extended. For brevity the Idaho-Oregon Light and Power Company will be referred to as "the Company".

Section 2. All poles that shall hereafter be erected or placed under the authority of this ordinance and franchise, shall be symmetrical in size and shape, of good sound material, of sufficient size and shall be placed in the ground a sufficient depth to support all wires without the use of guy ropes or braces; the said poles shall

be placed near the curb line of streets, and along the outer edge of alleys, under the direction of the Street and Alley Committee, or some other person appointed by the Mayor and Council.

All wires shall be placed at least twenty feet from the ground, *except where crossing existing wires, where wires shall be placed* and insulated so that the same will be safe, and not to interfere with the use of the streets, alleys and public places by the public, and so that the said wires will not ~~be~~ injure or interfere with the other wires, lawfully entitled to be in any street, alley or public place.

at least twenty feet above overhead wires

Section 3. When the Company shall make any excavation, dig any trench, hole or ditch, or in any manner interfere with any street, alley, public place, sidewalk, cross walk or pavement, the same shall be immediately put in as good condition as it was in before such interference by the Company; and in case the same shall not be put in as good condition as it was in before such interference, it shall be the duty of the City of Payette to do the necessary work in putting the said street, alley or other ground or property in such condition, ^{notice} and the said Company by the acceptance of this franchise agrees to pay the expenses of the same.

Section 4. All poles, conduits and underground conduits shall be placed in such position that they will not interfere with any water pipe, sewer pipe and other pipes belonging to the City of Payette. *or other wires lawfully entitled to be in any street alley or public place.*

Section 5. The location of all poles, conduits and underground conduits shall be under the supervision and direction of the Street and Alley Committee, or some other person appointed by the Mayor and Council for such purpose.

Section 6. The Company shall be liable for all damages and injury to both persons and property, that may be sustained by the exercise of the authority herein granted, and shall forever save the City from any liability or damages that it may sustain by reason of having granted the said franchise; the acceptance of this franchise shall be an agreement to pay damages or liability suffered on the part of the said City.

Section 7. In consideration of the franchise herein granted, the said Company shall furnish light, heat and power to the said City of Payette and the inhabitants thereof at not to exceed the following rates, to wit;

LIGHTING RATES:-

The minimum charge per month shall not exceed one dollar and meters shall be furnished customers free of any rental charge; the maximum charge shall not exceed 15 cents per kilowatt-hour for the first 20 kilowatt-hours consumed in any one month: on the following 20 kilowatt-hours the rate shall be 10 cents per kilowatt-hour; on amount consumed over 40 kilowatt-hours in any one month the charge shall be upon a sliding scale basis. All rates subject to a discount of ten per cent for the payment by any customer, at the Company's office, during the first ten days of the succeeding month in which the light is used.

POWER RATES:-

The minimum charge per month shall not exceed one dollar per horsepower of connected load and meters shall be furnished customers free of charge; the maximum charge shall not exceed 10 cents per kilowatt-hour for the first 50 kilowatt-hours consumed in any one month; on amounts over 50 kilowatt-hours consumed in any one month the charge shall be upon a sliding scale basis, all rates subject to a discount of ten per cent for the payment by any customer, at the Company's office, during the first ten days of the succeeding month in which the power is used.

The said Company shall charge the City of Payette for lights not to exceed the following rates, to wit; moonlight schedule and dark nights, 450 watt arc lamps not to exceed \$60.00 per year; 50 candle power incandescent lamps not to exceed \$18.00 per year; all night and every night schedule, 450 watt arc lamps not to exceed \$72.00 per year; 50 candle power incandescent lamps not to exceed \$21.00 per year; providing the extensions to the street lighting system shall be limited to 300 feet for

each additional lamp.

The above rates shall be throughout the same as those maintained in other cities on the line of the Company similarly situated, some of which are Boise, Weiser, Emmett and Ontario. The above maximum rates shall ~~be~~ in no case prevent the Company from making lower rates than herein specified.

Section 8. The said Company, and its successors, in consideration of the granting of this franchise, agrees to furnish the said City of Payette, the following service free of charge for use only in lighting the City Hall building; 150 kilowatt-hours per month until the population of the said City increases to 5000; then the said City shall be entitled to the use of 300 kilowatt-hours per month until the population of the said City increases to 7500; then the said City shall be entitled to 500 kilowatt-hours per month until the population increases to 10000, at which time the City shall be entitled to 750 kilowatt-hours per month. In addition to the above free service the said Company shall furnish one 16 candle power incandescent light for the pumping station, and shall furnish current for 12 four-candle power lamps for lighting the Elk Statue at the water fountain at the intersection of Broad and Commercial Streets from dusk until dawn, free of charge, the lights to be turned on and off by the City and in no case shall the said Company be entitled to any compensation for the said service herein named as free service, and which free service shall be deemed to be the license tax paid by said Company for the franchise.

Section 9. The rights and franchises granted under this ordinance shall run for the term of fifty years, unless the said Company shall forfeit the same sooner by failing to comply with the terms and conditions thereof.

Section 10. Upon the failure of the said Company, its successors and assigns to begin work within sixty days after the passage and approval of this ordinance, for the installation of its light, heat and power system, and the written acceptance of the same to be filed with the City Clerk, then this franchise shall be null and void and of no effect. *Complete same*

Section 11. Within thirty days after the passage, approval and publication of this ordinance and franchise, the said Company shall file an unconditional written acceptance with the said Clerk of the City of Payette, and until said acceptance is filed the said Company shall not be entitled to any of the rights and privileges herein granted.

Passed and approved this _____ day of _____, 1908.

Mayor.

Attest.

Clerk.